

Subject: Lane Landfill - Indianapolis, Ind.

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To: Donald S. Rothschild, Chief
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On August 8, 1979, Peter Olsen and I attended a meeting convened by Region V's Water Division concerning a situation revolving about a landfill in Indianapolis. Water Division had requested our presence in order to evaluate the potential for enforcement action in the matter. Briefly, the facts are these.

The City of Indianapolis was awarded a grant of \$9.1 million from Region V for the removal of sludge from the City's Belmont Sewage Treatment Plant (Belmont site) lagoons and development of a land application program for the sludge. The removal of sludge was to accommodate the construction of additional waste treatment facilities at the Belmont site. Sludge analysis data revealed relatively high values for cadmium (Cd) and polychlorinated biphenyls (PCBs). PCB concentrations averaged 26 ppm, with maximum concentrations as high as 60 ppm. Restrictions in the land application program were developed to assure that no more than one pound of Cd would be applied per acre of land. This application rate would also result in PCB concentrations, after plowing and disk~~ing~~ of the soil, of less than 4 ppm.

Sludge removal from the Belmont site began in September, 1977. At approximately the same time, the owner of a burning landfill located directly across the White River from the Belmont site (hereinafter "Lane Landfill") proposed to the Indiana State Board of Health (ISBH) placing the lagoon sludge from the Belmont site into Lane Landfill as a means of smothering the underground fire and contouring the landfill ~~area~~. In December, 1977, the ISBH Solid Waste Management Section approved the deposit of sludge from the sewage lagoons into Lane Landfill. ISBH halted these sludge landfilling activities in January of 1979 after it was realized that: (1) as much as 80% of the lagoon sludge removed from the Belmont site was being placed in Lane Landfill and (2) Lane Landfill is situated along the banks of the White River and, therefore, lies in a flood plain.

Currently no information is available as to: (1) what the PCB concentrations in Lane Landfill are (it is presumed they are in the 20-60 ppm range); (2) whether groundwater contamination has yet, or will, occur (since the landfill is unlined, presumably leaching will lead to contamination at

some point); and (3) whether contamination is ^{reaching} or will reach the White River via either underground or above ground routes. Additionally, no datum as to the quantity of sludge landfilled was presented.

Possible enforcement options were briefly assessed as follows:

(1) Clean Water Act - if contamination is reaching the White River ^{there remains the question} whether leaching from a landfill constitutes a "point source discharge"?

(2) RCRA, Section 7003 - we must prove an imminent and substantial endangerment to health or the environment. (a) Imminence: since the landfill lies in a flood plain a definite possibility, but a countervailing consideration is that for years the same materials were situated on the opposite bank of the river in the sludge lagoons. (b) Substantiality: 20-60 ppm of PCB. As an indicator, Regulations address concentrations at 50 ppm and above, so concentration-wise questionable; especially if take into account dilution factor if flood did occur. On the otherhand, dealing with PCBs-much concern about. We would need more information to make a valid assessment. But, this would probably be the best route for enforcement.

(3) TSCA - (a) PCB regulations not applicable since the sludge was landfilled prior to promulgation of the regulations (b) Section 7-Imminent Hazard. First, need imminently hazardous chemical - yes, PCB. Second, chemical must pose imminent and unreasonable risk of serious or widespread injury to health or the environment. Same problems as in any action under RCRA. (4) Safe Drinking Water Act-Emergency Provisions-again, must show imminent and substantial endangerment to human health. At present we have no information as to any potential contamination of drinking water sources. Problems of proof similar to RCRA and TSCA actions; except here risk can only be to human health, not risk to environment.

non-responsive (Ex. 5)

cc: Ginsberg
Muno
Olsen